

EXPEDITED PROCEDURE**Application No.: 09/249,597****Art Unit 2674****REMARKS**

Claims 13-72 were pending in the present application, of which claims 31-37, 40, 45, 50, 63 and 66 are restricted from consideration pursuant to an election. Therefore, claims 13-30, 38, 39, 41-44, 46-49, 51-62, 64, 65 and 67-72 are at issue. With the Office Action of June 29, 2005, the Examiner has rejected claims 13-30, 55-59 and 67-72 under 35 U.S.C. § 102(a) as anticipated by the Bauer et al. article entitled "A Collaborative Wearable System with Remote Sensing" (hereinafter referred to as "Bauer"). The applicants traverse such rejections and respectfully request reconsideration. This amendment is timely filed.

As discussed in the Applicants' interview with the Examiner on August 25, 2005, each of the independent claims 13, 24, 55, 67 and 70, as amended herewith, are allowable for the reasons discussed below.

Claim 13 and its dependent claims are allowable over the cited art

Claim 13 recites a wearable computer for use in a process control environment including, among other things, an imaging device that produces an image signal and an image processor adapted to process the image signal to identify a process control device based on a device feature identified by the image signal. The wearable computer recited in claim 13 allows a user of the wearable computer to identify any of the, for example, thousands of devices within a process control environment based on a device feature identified by the image signal, such as the shape of the device, a numeric code attached to the device, etc. Because the wearable computer recited in claim 13 includes an image processor to identify process control devices identified by an image signal, where such image signal is produced by an imaging device, a user of the wearable computer can retrieve various information about such devices without having to manually input any device identification information into the computer.

While Bauer discloses a computer system used by technicians in maintaining a campus wide communication network, Bauer does not disclose or suggest a system having an image processor to process an image signal to identify a device based on a device feature. Even though Bauer discloses an electronic scanner for identifying electronic equipment tags, such a scanner is not adapted to process an image signal to identify a device based on a device feature identified by the image signal, in a manner recited in claim 13. In fact, to

EXPEDITED PROCEDURE

Application No.: 09/249,597

Art Unit 2674

identify a device using the system disclosed in Bauer, a user has to touch the electronic equipment tag, which is attached to the device and is known as *iButton*, with the electronic scanner. Using the electronic scanner in this manner can be extremely difficult in a process control environment because a process control environment may include a number of devices that may be located in inaccessible locations.

For the reasons discussed above, claim 13 is not anticipated by Bauer. Furthermore, Bauer does not provide any suggestion or motivation for providing a capability to process an image signal for identifying a device based on a device feature identified by the image signal, in a manner provided in claim 13. As a matter of fact, Bauer discloses a system to identify devices by attaching electronic equipment tags to these devices, and thus teaches away from identifying a device based on a device feature identified by an image signal. It is clear that the prior art must teach or suggest each of the claim elements and must additionally provide a suggestion of, or an incentive for, the claimed combination of elements to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985); *In re Royka*, 490 F.2d 981 (CCPA 1974) and M.P.E.P. § 2143. Therefore, it follows that claim 13 and its dependent claims are not rendered obvious by Bauer.

Claims 24, 55, 67, 70 and claims dependent therefrom are allowable over the cited art

Each of the claims 24, 55, 67 and 70 recite one of a device identification unit and an image viewing system, including, among other things, an imaging device that produces an image signal and an image processor adapted to process the image signal to identify a process control device based on a device feature identified by the image signal. Given the similarities in the claimed language of claim 13 and claims 24, 55, 67 and 70, claims 24, 55, 67 and 70, and claims dependent therefrom are allowable over Bauer for much the same reasons and arguments advanced above.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the examiner would like to discuss, he is invited to contact the undersigned representative at the telephone number set forth below.

EXPEDITED PROCEDURE

Application No.: 09/249,597

Art Unit 2674

APPLICANT'S INTERVIEW SUMMARY RECORD

Applicants' attorney Chirag B. Patel conducted an interview with Examiner Wu on August 25, 2005. During this interview, claims 13, 24, 55, 67, and 70 of the present application were generally discussed and the Examiner indicated that the independent claims 13, 24, 55, 67, and 70, as amended herein, appear to be allowable. The applicants wish to thank Examiner Wu for his consideration in conducting the interview and for his assistance during the interview.

August 29, 2005

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By: 

Chirag B. Patel
Reg. No. 50,555
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 423-3437